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6 Attorneys for Plaintiff

7 EDELBROCK LLC  
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10 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

11 EDELBROCK LLC, a Delaware Limited  
12 Liability Company,

13 Plaintiff,

14 vs.

15 GENESIS GROUP INTERNATIONAL  
(USA), INC., a Nevada Corporation; and  
16 DOES 1 through 10, inclusive,

17 Defendant.  
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Case No.

**COMPLAINT FOR  
DECLARATORY RELIEF  
REGARDING U.S. PATENT NO.  
7,694,667 FOR (1) NON-  
INFRINGEMENT AND (2)  
INVALIDITY**

**AND**

**DEMAND FOR JURY TRIAL**

1 Edelbrock LLC (“Plaintiff”) by and through its attorneys of record, hereby  
2 allege as follows:

### 3 **JURISDICTION AND VENUE**

4 1. The claims asserted herein are for Declaratory Relief under the  
5 Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the patent laws of the  
6 United States, 35 U.S.C. § 1, et seq. Defendant Genesis International Group  
7 (USA), Inc. (“Defendant”) specifically threatened to sue Plaintiff for infringement  
8 of U.S. Patent No. 7,694,667 (the ‘667 Patent”) including asking whether Plaintiff’s  
9 counsel would accept service of process.

10 2. This Court has subject matter jurisdiction based upon 28 U.S.C.  
11 §§ 1331, 1338(a), 2201 and 2202 because the claims herein are based upon the  
12 alleged non-infringement and invalidity of the ‘667 Patent.

13 3. This Court has personal jurisdiction over Defendant Genesis  
14 International Group (USA), Inc. (“Defendant”) because its Director, President,  
15 Secretary and Treasurer are all located at 17368 W. Sunset Blvd., Ph2a, Pacific  
16 Palisades, CA 90272 such that it has continuous and systematic contact with  
17 California and the Central District of California. Moreover, Andrew J. Mueller  
18 who is the Director, President, Secretary and Treasurer of Defendant has asserted  
19 claims for infringement of the ‘667 Patent in written communications and telephone  
20 calls as well as proposed licensing and other contracts to/with Plaintiff in Torrance,  
21 California.

22 4. Venue is proper in the Central District of California pursuant to 28  
23 U.S.C. §§ 1391(b) and (c), and 1400(b). Plaintiff is located in the Central District  
24 of California along with a majority of its witnesses and documents. Moreover,  
25 Plaintiff is informed and believes, and based thereon alleges, that the majority of  
26 non-party witnesses and documents are located within this judicial district. In  
27 addition, Defendant has identified this judicial district as the location of its  
28

1 President, Director, Secretary and Treasurer.

2 **PARTIES**

3 5. Plaintiff Edelbrock, LLC is a Delaware limited liability company with  
4 its principal place of business in Torrance, California. Plaintiff is a designer,  
5 manufacturer and distributor of automotive parts. Among other things, Plaintiff  
6 designs and sells superchargers for automobile engines.

7 6. Defendant Genesis Group International (USA), Inc. is a Nevada  
8 corporation with its principal place of business in Pacific Palisades, California.  
9 Defendant is the registered owner of the '667 Patent concerning the design of a  
10 supercharger or turbocharger.

11 7. Defendants Does 1 through 10 are reserved for any person or entity  
12 claiming an ownership interest in the '667 Patent. Plaintiff reserves the right to  
13 amend this Complaint to identify any such persons or entities all of which are  
14 presently unknown to Plaintiff.

15 **STATEMENT OF THE CASE**

16 8. Plaintiff seeks a declaration that it is not infringing the '667 Patent  
17 and/or that the '667 Patent is invalid. Defendant asserted that Plaintiff's  
18 superchargers infringe the '667 Patent. The '667 Patent claims as an invention:  
19 "An apparatus for a vehicle comprising a compressor and manifold for connection  
20 to air inlets of an engine, wherein the manifold has an entry end chamber, the  
21 compressor device is located at least partially within the chamber, and wherein the  
22 entry end chamber comprises a discharge diffuser." In addition, the '667 Patent  
23 claims as an invention: "A vehicle comprising a compressor apparatus comprising a  
24 compressor device and manifold for connection to air inlets of an engine of the  
25 vehicle, wherein the manifold has an entry end chamber, and the compressor device  
26 is located at least partially within the chamber, and wherein the entry end chamber  
27 comprises a discharge diffuser."



1 (the '490 Application") filed on August 11, 2006.

2 15. On December 21, 2007, the USPTO rejected all of the claims in the  
3 '490 Application as anticipated under 35 U.S.C. §§ 102(b) and/or 103 based upon  
4 U.S. Patent Nos. 6,029,637 and 2,963,006.

5 16. In June 2008, in response to the USPTO's rejection, the '490  
6 Application was amended to provide for a limitation that "the entry end chamber  
7 comprises a discharge diffuser" which the applicant asserted was not shown in the  
8 prior art references.

9 17. In September 2008, the USPTO rejected the '490 Application again  
10 because the amendment did not overcome the prior art references.

11 18. In March 2009, applicant submitted a new claim 34 and stated that a  
12 "diffuser" may be defined as "(in various machines or mechanical systems, as  
13 centrifugal pumps or compressors) a device for utilizing part of the kinetic energy  
14 of a fluid passing through a machine by gradually increasing the cross-sectional  
15 area of the channel or chamber through which it flows so as to decrease its speed  
16 and increase its pressure." The applicant claimed that neither a diffuser nor the  
17 claimed enlarged area diffuser was taught in the prior art.

18 19. In March 2009, the USPTO issued a final rejection of the proposed  
19 amended '490 Application under 35 U.S.C. § 102 and obvious finding that the  
20 claims were anticipated in the prior art or obvious from the prior art. The USPTO  
21 found that, in reference to the prior art, that "[w]hen the air flow[s] out of the outer  
22 (116) (small cross sectional area) into the chamber (within 177) (a large cross  
23 sectional area), the velocity of the air flow will be decreased and the pressure of the  
24 flow air will be increased, which performs the same function as the discharge  
25 diffuser of the entry [end] chamber."

26 20. In October 2009, the applicant submitted a request for continued  
27 examination stating that "the gradual (or at least somewhat continuous or  
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1 streamlined) increase of the cross-sectional area is an important feature of a  
2 discharge diffuser to allow the kinetic energy to be effectively utilized, in addition  
3 to this being a recognized feature of a diffuser.” The applicant distinguished the  
4 prior art noting its lack of disclosure of a passage and its associated gradual or  
5 smooth increases between the supercharger outlet port and the manifolds.

6 21. In December 2009, the USPTO issued a notice of allowance stating  
7 that the independent claims were allowable because “the prior art fails to disclose  
8 or render[] obvious the claimed combination ... including ‘the compressor device  
9 being located at least partially within the chamber, and the entry end chamber  
10 comprising a discharge diffuser.’”

11 22. The ‘667 Patent contains two independent claims. The first  
12 independent claim, Claim 1 provides:

13 An apparatus for a vehicle comprising a compressor and  
14 manifold for connection to air inlets of an engine, wherein  
15 the manifold has an entry end chamber, the compressor  
16 device is located at least partially within the chamber, and  
17 wherein the entry end chamber comprises a discharge  
18 diffuser.

19 23. The second independent claim, Claim 30 provides:

20 A vehicle comprising a compressor apparatus comprising  
21 a compressor device and manifold for connection to air  
22 inlets of an engine of the vehicle, wherein the manifold  
23 has an entry end chamber, the compressor device is  
24 located at least partially within the chamber, and wherein  
25 the entry end chamber comprises a discharge diffuser.

26 24. Defendant contacted Plaintiff and demanded that Plaintiff cease and  
27 desist the manufacture and sale of its superchargers alleging that Plaintiff’s  
28 superchargers infringe the ‘667 Patent. Defendant eventually asked whether  
Plaintiff’s counsel would accept service of a lawsuit to be filed against Plaintiff.

25 25. Plaintiff’s superchargers do not infringe the ‘667 Patent. Among other  
26 things, Plaintiff’s superchargers do not utilize a compressor device located at least  
27 partially within the chamber as described in independent Claims 1 and 30.

Moreover, Plaintiff's superchargers do not utilize a discharge diffuser as described in the '667 Patent. Defendant has not specified precisely how Plaintiff's superchargers are alleged to infringe and there are likely many other areas of dispute between the parties concerning each of the dependent claims.

### **CLAIM NO. 1**

#### **Declaration of Non-Infringement against all Defendants**

26. Plaintiff hereby incorporates all of the allegations set for in paragraphs 1 through 25, inclusive, as if set forth in full herein.

27. There is an actual controversy between Plaintiff and Defendant concerning whether Plaintiff's supercharger infringes the '667 Patent. Defendant has demanded that Plaintiff cease and desist from making and selling its superchargers alleging that they infringe the '667 Patent. Defendant has threatened to commence litigation to prevent the manufacture and sale of Plaintiff's superchargers.

28. Plaintiff does not infringe the '667 Patent because it does not utilize either a compressor or diffuser as described in the '667 Patent. Plaintiff is not aware of any other basis for alleged infringement and, if any other such basis for infringement is asserted by Defendant, Plaintiff reserves the right to contest any such alleged infringement.

29. Accordingly, the Court should declare that Plaintiff's superchargers do not infringe the '667 Patent.

### **CLAIM NO. 2**

#### **Declaration that the '667 Patent is Invalid**

30. Plaintiff hereby incorporates all of the allegations set for in paragraphs 1 through 25, inclusive, as if set forth in full herein.

31. Defendant assert new and different definition for the discharge diffuser compared to those relied upon in the application and patent prosecution process for

1 the '667 Patent. If Defendant's new and different definition of diffuser is accepted,  
 2 then the prior art either anticipates (35 U.S.C. § 102) the purported invention as  
 3 repeatedly pointed out by the USPTO during the prosecution of the '667 Patent and  
 4 '490 Application or the invention is obvious in light of the prior art.

5 32. The prior art includes but is not limited to US Patent Nos. 1,625,597;  
 6 1,967,069; 2,021,204; 2,111,282; 2,164,451; 2,382,244; 2,400,581; 2,963,006;  
 7 3,077,189; 3,540,421; 4,480,968; 4,576,126; 5,085,199; 5,101,794; 5,143,028;  
 8 5,911,211; 6,029,637; 6,619,275; 6,837,195; 6,918,804; 7,011,079.

9 33. In addition, the prior art includes a Saleen Supercharger released on  
 10 October 28, 2004; a TRD supercharger released on February 1, 2001; and the  
 11 Mazda Millenia 1995, all of which either anticipate or render obvious the '667  
 12 Patent if Defendant's construction of the '667 Patent is accepted by the court.

13 34. Moreover, the '667 Patent is invalid because the terms are indefinite.  
 14 At this time, Plaintiff has identified the terms compressor and discharge diffuser as  
 15 those terms are currently being interpreted by Defendant as indefinite under 35  
 16 U.S.C. § 112 rendering the '667 Patent invalid. Plaintiff reserves the right to assert  
 17 that other terms are invalid depending upon the interpretation claimed by Defendant  
 18 in this litigation.

19 35. For all of the foregoing reasons, the Court should declare that the '667  
 20 Patent is invalid and unenforceable.

### 21 **PRAYER FOR RELIEF**

22 Wherefore, Plaintiff requests entry of judgment as follows:

- 23 1. A declaration that Plaintiff's superchargers do not infringe the '667
- 24 Patent;
- 25 2. A declaration that the '667 Patent is invalid and unenforceable;
- 26 3. An award of costs of suit incurred herein;
- 27 4. An award of attorney's fees as permitted by 35 U.S.C. § 285 or other



1 applicable statute, rule or regulation;

2 5. For such other relief as the Court deems just and proper.

3  
4 DATED: February 11, 2015

BUCHALTER NEMER  
A Professional Corporation

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7 By: /s/ Michael L Meeks

MICHAEL L. MEEKS  
Attorneys for Plaintiff  
EDELBROCK LLC

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**DEMAND FOR JURY TRIAL**

Plaintiff Edelbrock LLC hereby demands a jury trial for all claims for which the right to jury trial exists.

DATED: February 11, 2015

BUCHALTER NEMER  
A Professional Corporation

By: /s/ Michael L Meeks  
MICHAEL L. MEEKS  
Attorneys for Plaintiff  
EDEL BROCK LLC